

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee *-appellant*

UD1122/2009
RP1272/2009
MN1133/2009
WT506/2009

against

Employer *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. J. Browne
Mr. T. Kelly

heard this appeal at Clonmel on 27th of May 2010

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows: -

Appellant's Case

The appellant was employed as an apprentice on the 10th December 2005. The appellant finished phase 4 of his apprenticeship with Fás and rang the respondent to see where he would be working on his return to the 'on the job' portion of his apprenticeship. Prior to commencing phase 4 on the 5th of January the appellant had been instructed by the respondent to work on a different site from the 28th of November. The appellant did not request to move or was aware he was leaving his employment. The appellant was paid by cheque throughout his employment. The appellant was unable to contact the respondent but then received a text from the respondent instructing him to collect his P45 from the accountants office.

Respondent's Case

The respondent's work was slowing down and when another employee asked the respondent if he could bring the appellant to work on another site the respondent agreed. The respondent stopped paying the appellant from the 28th of November except for a cheque for holiday pay at Christmas. The respondent continued to complete all documentation required for Fás in order to facilitate the appellant's apprenticeship. The respondent made a number of other employees redundant.

Determination:

The claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn at the outset.

The Tribunal find that the appeal under the Redundancy Payments, Acts, 1977 to 2007 succeeds and awards the appellant his statutory entitlement to a redundancy lump sum based on the following criteria:

Date of birth	20 th March 1988
Date employment commenced	10 th March 2006
Date employment ceased	13 th March 2009
Gross weekly pay	€310.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal finds that the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and awards the claimant €620.00, being the equivalent to two weeks' pay.

The Tribunal find that the appeal under the Organisation of Working Time Act 1997 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)